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09/814,426	03/21/2001	Timothy S. DeBruine	2038P	4082

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EXAMINER

DELGADO, MICHAEL A

ART UNIT PAPER NUMBER

2144

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/814,426

**Applicant(s)**

DEBRUINE ET AL.

**Examiner**

Michael S. A. Delgado

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/16/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/27/2005 have been fully considered but they are not persuasive. In response to the argument that the limitation of a server is not taught by prior art. The function of the server that is being claimed by applicant (i.e. making it possible for a first node to receive a file from a second node) is consistent with the service that is provided by a router as known in the art.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,510,154 by Mayes et al.

In claim 1, Mayes teaches about a method for optimizing private network “enterprise network” file transfers in a peer-to-peer public network, the peer-to-peer public network “internet” including a plurality of nodes (Fig 2, 56, 52), wherein at least two of the node are part of a same private network, the method comprising the steps of (Fig 2):

(a) receiving by the server (router 48 function) a search request from a first node for a file (Col 4, line 65-Col 5 line 5) (Col 3, lines 25-45); (a search constitute the following operations).

(b) determining by the server that the file is stored on a second node (Col 4, line 55-Col 5, line 5);

(c) determining by the server that the first and second nodes are part of the same private network (Col 4, line 55- Col 5, line 5); and

(d) instructing the second node to transfer the file to the first node over the private network instead of the public network (Col 4, line 55- Col 5, line 5).

In claim 2, Mayes teaches about a method of claim 1 further wherein step (a) includes the step of registering a client IP address, a subnet mask, and a peer IP address of both the first and second nodes with the server (Col 4, line 55- Col 5, line 5). (This is consistent with a router table within a router).

In claim 3, Mayes teaches about a method of claim 2 wherein step (a) further includes the step of registering with the server whether network address translation (NAT) has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable (Col 5, lines 45-55), (Col 6, lines 40-50); (This is done during ICMP operation).

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In claim 4, Mayes teaches about a method of claim 3 wherein step (a) further includes the step of determining that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address (Col 6, lines 40-50).

In claim 5, Mayes teaches about a method of claim 4 wherein step (a) further includes the step of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Col 6, lines 40-50). (Without a NAT in between source and destination this is expected result).

In claim 6, Mayes teaches about a method of claim 2 wherein step (a) further includes the step of storing the client IP address, a subnet mask, and a peer IP address of both the first and second nodes in a node registry (Col 4, line 55- Col 5, line 5) (Col 11, lines 50-60). (This is consistent with a router table within a router).

In claim 7, Mayes teaches about a method of claim 1 wherein step (a) further includes the step of allowing a user of the first node to enter search terms for finding a particular file (Col 3, lines 25-35).

In claim 8, Mayes teaches about a method of claim 7 wherein step (b) further includes the steps of querying a database containing file names with the search terms to find file names matching the search terms, and by identifying nodes containing the matching file, including the second node (Col 3, lines 25-35).

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In claim 9, Mayes teaches about a method of claim 4 wherein step (c) further includes the steps of:

(i) determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when (Col 4, line 55- Col 5, line 5)

(1) NAT has been performed on both the first and second nodes and at the peer IDs of both the first and second nodes match, or (Col 6, lines 15-25)

(2) NAT has not been performed on either the first and second nodes and the subset IDs of each first and second nodes match (Col 3, lines 25-35).

In claim 10, Mayes teaches about a method of claim 9 wherein step (c) further includes the steps of:

(ii) returning a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses, and subnet masks (Col 3, lines 25-35),

In claim 11, Mayes teaches about a method of claim 10 wherein step (c)(ii) further includes the step of sorting the search results first by locally reachable nodes followed by the directly reachable nodes (Col 3, lines 25-35).

In claim 12, Mayes teaches about a method of claim 10 wherein step (d) further includes the steps of:

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- (i) using the client IP address of the second node to send a request for the file from the first node to the second node (Col 6, lines 40-50); and
- (ii) sending the file from the second node to the first node using the client IP address of the first node (Col 6, lines 40-50).

In claim 13, Mayes teaches about a peer-to-peer public network, comprising at least one server coupled to the public network (Fig 2, 34); a first plurality of nodes coupled to the public network (Col 5, lines 5-15); (The many destination on the internet)

a private network “Enterprise Network” including first and second nodes (Fig 2, 56, 52) coupled to the public network, wherein when the server receives a search request from a first node for a file, the server (Col 4, line 55- Col 5, line 5) (Col 3, lines 25-45).

determines that the file is stored on the second node (Col 3, lines 25-35) (Col 4, line 55- Col 5, line 5),

determines that the first and second nodes are part of the same private network (Col 4, line 55- Col 5, line 5), and

instructs the first node to request the file from the second node, such that the file is transferred from the second node to the first node over the private network instead of the public network (Col 3, lines 25-35) (Col 4, line 55- Col 5, line 5).

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In claim 14, Mayes teaches about a network of claim 13 wherein a client IP address, a subnet mask, and a peer IP address of both the first and second nodes are registered with the server (Col 4, line 55- Col 5, line 5). (This is consistent with a router table within a router).

In claim 15, Mayes teaches about a public network of claim 14 wherein the server registers whether network address translation (NAT) has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable (Col 5, lines 45-55) (Col 6, lines 40-50). (This is done during ICMP operation).

In claim 16, Mayes teaches about a public network of claim 15 wherein it is determined that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address (Col 6, lines 40-50).

In claim 17, Mayes teaches about a public network of claim 16 wherein it is determined that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Col 6, lines 40-50). (Without a NAT in between source and destination this is expected result).

In claim 18, Mayes teaches about a public network of claim 17 wherein the client IP address, a subnet mask, and a peer IP address of both the first and second nodes are stored in a node registry (Col 4, line 55- Col 5, line 5) (Col 11, lines 50-60). (This is consistent with a router table within a router).



In claim 19, Mayes teaches about a public network of claim 13 wherein a user of the first node enters search terms for finding a particular file (Col 3, lines 25-35).

In claim 20, Mayes teaches about a public network of claim 18 wherein it is determined the file is stored on the second node by querying a database containing file names with the search terms to find file names matching the search terms, and by identifying nodes containing the matching file, including the second node (Col 3, lines 25-35).

In claim 21, Mayes teaches about a public network of claim 16 wherein it is determined that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when 1) NAT has been performed on both the first and second nodes and at the peer IDs of both the first and second nodes match, or 2) NAT has not been performed on either the first and second nodes and the subnet IDs of each first and second nodes match (Fig 2) (Col 4, line 55- Col 5, line 5).

In claim 22, Mayes teaches about a public network of claim 21 wherein the server returns a list of search results is returned to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses, and subnet masks (Col 3, lines 25-35).

In claim 23, Mayes teaches about a public network of claim 22 wherein the search results are sorted first by locally reachable nodes followed by the directly reachable nodes (Col 3, lines 25-35).

In claim 24, Mayes teaches about a public network of claim 22 wherein the client IP address of the second node is used to send a request for the file from the first node to the second

node, and the file from the second node is sent to the first node using the client IP address of the first node (Col 6, lines 40-50).

In claim 25, Mayes teaches about a computer readable medium containing program instructions for optimizing private network “Enterprise network” file transfers in a peer-to-peer public network, the peer-to peer public network “internet” including a plurality of nodes, wherein at least two of the node are part of a same private network (Fig 2, 52, 56), the program instructions for (Fig 2) (Col 3, lines 50-65):

- (a) receiving by the server a search request from a first node for a file (Col 3, lines 25-45);
- (b) determining by the server that the file is stored on a second node (Col 4, line 55- Col 5, line 5);
- (c) determining by the server that the first and second nodes are part of the same private network (Col 4, line 55- Col 5, line 5); and
- (d) instructing the second node to transfer the file to the first node over the private network instead of the public network (Col 4, line 55- Col 5, line 5).

In claim 26, Mayes teaches about a computer readable medium of claim 25 further wherein instruction (a) includes the instruction of registering a client IP address, a subnet mask, and a peer IP address of both the first and second nodes with the server (Col 4, line 55- Col 5, line 5). (This is consistent with a router table within a router).

In claim 27, Mayes teaches about a computer readable medium of claim 26 wherein instruction (a) further includes the instruction of registering with the server whether network address translation (NAT) has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network or unreachable (Col 5, lines 45-55) (Col 6, lines 40-50). (This is done during ICMP operation).

In claim 28, Mayes teaches about a computer readable medium of claim 27 wherein instruction (a) further includes the instruction of determining that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address (Col 6, lines 40-50).

In claim 29, Mayes teaches about a computer readable medium of claim 28 wherein instruction (a) further includes the instruction of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Col 6, lines 40-50).

In claim 30, Mayes teaches about a computer readable medium of claim 26 wherein instruction (a) further includes the instruction of storing the client IP address, a subnet mask, and a peer IP address of both the first and second nodes in a node registry (Col 4, line 55- Col 5, line 5) (Col 11, lines 50-60). (This is consistent with a router table within a router).

In claim 31, Mayes teaches about a computer readable medium of claim 25 wherein instruction (a) further includes the instruction of allowing a user of the first node to enter search terms for finding a particular file (Col 3, lines 25-35).

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In claim 32, Mayes teaches about a computer readable medium of claim 30 wherein instruction (b) further includes the instructions of querying a database containing file names with the search terms to find file names matching the search terms, and by identifying nodes containing the matching file, including the second node (Col 3, lines 25-35).

In claim 33, Mayes teaches about a computer readable medium of claim 28 wherein instruction (c) further includes the instructions of:

(i) determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node, when (Col 4, line 55- Col 5, line 5)

(1) NAT has been performed on both the first and second nodes and at the peer IDs of both the first and second nodes match (Col 4, line 55- Col 5, line 5), or

(2) NAT has not been performed on either the first and second nodes and the subnet IDs of each first and second nodes match (Col 6, lines 15-25).

In claim 34, Mayes teaches about a computer readable medium of claim 33 wherein instruction (c) further includes the instructions of:

(ii) returning a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses, and subnet masks (Col 3, lines 25-35).

In claim 35, Mayes teaches about a computer readable medium of claim 34 wherein instruction (c)(ii) further includes the instruction of sorting the search results first by locally reachable nodes followed by the directly reachable nodes (Col 3, lines 25-35).

In claim 36, Mayes teaches about a computer readable medium of claim 34 wherein instruction (d) further includes the instructions of:

- (i) using the client IP address of the second node to send a request for the file from the first node to the second node; and
- (ii) sending the file from the second node to the first node using the client IP address of the first node.

In claim 37, Mayes teaches about a method for optimizing private network “enterprise network” file transfers in a peer-to-peer public network “internet”, the peer-to-peer public network including a server and a plurality of nodes, wherein a first node and a second node (Fig 2, 48, 52, 56) are part of a same private network, the method comprising the steps of (Fig 2):

- (a) registering with the server whether network address translation (NAT) has been performed on the first and second nodes and whether the first and second nodes are directly reachable from other nodes on the public network (Col 5, lines 45-55) (Col 6, lines 40-50);
- (b) receiving a search request from the first node for a file (Col 3, lines 25-35);
- (c) determining that the file is stored on the second node (Col 4, line 55- Col 5, line 5);
- (d) determining that the second node is part of the same private network as the first node, and therefore locally reachable by the first node (Col 4, line 55- Col 5, line 5), when
  - (i) NAT has been performed on both the first and second nodes and at the peer IDs of both the first and second nodes match (Col 6, lines 40-50),or

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(ii) NAT has not been performed on either the first and second nodes and the subnet IDs of each first and second nodes match (Col 6, lines 40-50).

(e) using the second node to transfer the file to the first node over the private network instead of the public network (Col 4, line 55- Col 5, line 5).

In claim 38, Mayes teaches about a method of claim 37 further wherein step (a) includes the step of registering a client IP address, a subnet mask, and a peer IP address of both the first and second nodes with the server (Col 4, line 55- Col 5, line 5). (This is consistent with a router table within a router).

In claim 39, Mayes teaches about a method of claim 38 wherein step (a) further includes the step of determining that NAT has been performed on a particular node when the node's client IP address does not match the node's peer IP address (Col 6, lines 40-50).

In claim 40, Mayes teaches about a method of claim 39 wherein step (a) further includes the step of determining that a particular node is directly reachable from other nodes on the public network when the server can connect with the node using the node's client IP address (Col 6, lines 40-50). (Without a NAT in between source and destination this is expected result).

In claim 41, Mayes teaches about a method of claim 40 wherein step (d) further includes the step of returning a list of search results from the server to the first node, where the list includes the identities and addresses of the matching nodes, IP addresses, and subnet masks (Col 3, lines 25-35).

In claim 42, Mayes teaches about a method of claim 41 wherein step (d) further includes the step of sorting the search results first by locally reachable nodes followed by the directly reachable nodes (Col 3, lines 25-35).

In claim 43, Mayes teaches about a method of claim 42 wherein step (e) further includes the steps of:

- (i) using the client IP address of the second node to send a request for the file from the first node to the second node (Col 6, lines 40-50); and
- (ii) sending the file from the second node to the first node using the client IP address of the first node (Col 6, lines 40-50).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,058,431 by Srisuresh et al. teaches about a system and method for network address translation as an external service in the access server of a service provider.

US 6,381,646 by Zhang et al. teaches about a multiple network connections from a single PPP link with partial network address translation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MD

  
**DAVID WILEY**  
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